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The Honorable Spencer Abraham  
Secretary of Energy  
U.S. Department of Energy  
1000 Independence Ave. SW  
Washington, D.C. 20585

SEP 05 2001

Dear Secretary Abraham:

I am writing to voice my strenuous objection to the lack of proper and reasonable notice of hearing on the DOE's site recommendation of Yucca Mountain for a national high-level nuclear waste repository. On August 21, 2001, with less than 30 days for any interested person to read the DOE's more than 370 page long technical report, "Yucca Mountain Preliminary Site Suitability Evaluation," your agency announced it was holding public hearings on the site recommendation of Yucca Mountain in Nevada between September 5th and 13th. This is totally inadequate notice, especially for persons who will be affected by the requisite transportation of high-level nuclear waste through their hometowns via rail and road. For these people, your agency has provided no opportunity to comment on the suitability of the recommendation. A few meetings in Nevada does not come close to providing an opportunity for public hearing on a project of this magnitude and immense potential danger to those on transportation routes throughout the country. In addition, it is plain that the announcement you provided was defective not only because of the incredibly short notice given to potential attendees, but also because the meeting place mentioned in the announcement was quickly changed and then replaced by a second site, for which an incorrect address was given. Moreover, your agency provided that final notice of the meeting at the wrong address on August 31st, the beginning of the long Labor Day weekend, less than five days to the meeting including the intervening weekend and holiday.

Finally, it is plain from the notices your agency published in the Federal Register on August 21, 27 and 31, that the public is not clearly placed on notice that these are public hearings on your agency's decision to recommend Yucca Mountain as the site for a national high-level nuclear waste repository. Persons reading the notice are given the impression that these are merely hearings on the preliminary site suitability evaluation. Even then, your provision of less than thirty days notice from the availability of the 370 page evaluation and the few hearings in Nevada make it impossible for ordinary citizens to have any meaningful participation in such meetings. The notice was absurdly short -- too short to arrange one's schedule to attend, the meeting too far away from most persons who are interested because they reside not in Nevada, but in other parts of the country in close proximity to the high-level nuclear waste transportation routes, on too short notice for citizens to acquire

and assimilate the substance of the 370-plus page evaluation of the site, and completely defective due to the errors mentioned above.]

2 [There is no doubt that, no matter what provisions may be in the Nuclear Waste Policy Act, the United States Constitution's Fifth Amendment protections require that persons such as ourselves - and affected Nevadans -- must have at least reasonable notice and an opportunity to be heard on a decision such as this one, a decision with vast repercussions and grave potential dangers. Your agency's actions in this regard have not come even close to meeting the most minimal constitutional protections of citizens' rights to due process in this instance. We are certain you have violated our rights and those of the citizens of Nevada.]

We call on you to reschedule these hearings with adequate notice and give all persons who will be affected by your agency's recommendation of Yucca Mountain as the national high-level waste repository a meaningful opportunity to be heard.

Sincerely,

Alice Slater  
President

cc: Lake Barrett, Acting Director  
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U.S. Department of Energy  
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